

**STATE OF CONNECTICUT  
BOARD OF EXAMINERS FOR NURSING**

Department of Public Health

Petition No. 2002-0208-010-008

vs.

Valerie Minicucci, R.N., Lic. No. E60568  
Respondent

**MEMORANDUM OF DECISION**

***Procedural Background***

The Board of Examiners for Nursing (hereinafter "the Board") was presented by the Department of Public Health (hereinafter "the Department") with a Statement of Charges and Motion for Summary Suspension dated March 6, 2002. Dept. Exh. 1. The Statement of Charges alleged violations of certain provisions of Chapter 378 of the General Statutes of Connecticut by Valerie Minicucci, R.N. (hereinafter "respondent") which would subject respondent's registered nurse license to disciplinary action pursuant to *Conn. Gen. Stat.* §§ 19a-17 and 20-99(b).

Based on the allegations in the Statement of Charges and accompanying affidavits and reports, the Board found that respondent's continued nursing practice presented a clear and immediate danger to public health and safety. On April 3, 2002, the Board ordered, pursuant to its authority under § 4-182(c) and § 19a-17(c) of the General Statutes of Connecticut, that respondent's registered nurse license be summarily suspended pending a final determination by the Board of the allegations contained in the Statement of Charges. Dept. Exh. 1.

The Board issued a Notice of Hearing dated April 3, 2002, scheduling a hearing for April 17, 2002. Dept. Exh. 1.

Respondent was provided notice of the hearing and charges against her. The Notice of Hearing and Statement of Charges were delivered by certified mail to respondent's attorney. Dept. Exh. 1.

On June 27, 2002, the Department filed a Motion to Amend Statement of Charges and an Amended Statement of Charges dated June 27, 2002. The Department's Motion was granted at the hearing. Tr. p. 8.

Respondent filed two requests for continuance, and the hearing was held on October 16, 2002, in Room 2-A, Legislative Office Building, Capitol Avenue, Hartford, Connecticut. Dept. Exh. 1.

Respondent was present during the hearing and was represented by counsel. Tr. p. 2.

Respondent submitted a written Answer to the Amended Statement of Charges. Resp. Exh. A1.

Each member of the Board involved in this decision attests that he/she was present at the hearing or has reviewed the record, and that this decision is based entirely on the record, the law, and the Board's specialized professional knowledge in evaluating the evidence.

*Findings of Fact*

Based on the testimony given and the exhibits offered into evidence, the Board makes the following Findings of Fact:

1. Respondent is, and has been at all times referenced in the Amended Statement of Charges, the holder of Connecticut registered nurse license no. E60568. Resp. Exh. A1.
2. On or about June 27, 2001, respondent abused or utilized to excess Tylenol with Codeine. Resp. Exh. A1.
3. Respondent's abuse of Tylenol with Codeine does, and/or may, affect her practice as a registered nurse.
4. During January 2002, respondent was employed as a registered nurse at the Hospital of Saint Raphael, in New Haven, Connecticut. Resp. Exh. A1.
5. On June 7, 2000, the Board issued a Memorandum of Decision in Petition Number 990609-010-046 ("the 2000 Decision") that placed respondent's registered nursing license on probation for a period of four years. Such disciplinary action was based upon proof of respondent's diversions of Demerol and/or morphine, and falsification of controlled substance records. Resp. Exh. A1; Dept. Exh. 3A.
6. The 2000 Decision specifically provided that respondent submit to weekly random urine screens for the duration of probation and that all screen results be negative for the presence of drugs and alcohol. Resp. Exh. A1; Dept. Exh. 3A.
7. On or about June 27, 2001, respondent ingested Tylenol with Codeine that had not been prescribed for her. On January 22, 2002, respondent's urine screen tested positive for morphine. Resp. Exh. A1; Dept. Exh. 3F; Tr. pp. 13, 31.
8. In or about January 2002, for less than one month, respondent diverted morphine from her place of employment. Tr. pp. 32-33.
9. In or about January 2002, respondent entered an inpatient treatment program for nineteen days, followed by an intensive outpatient program consisting of four hours each night, five nights each week, for four weeks. Tr. pp. 34-35, 38.
10. In this treatment program, respondent was diagnosed as having a chemical dependency, and was also diagnosed for the first time as have a bipolar disorder. Tr. pp. 12, 35-36.

11. Since completing her inpatient and outpatient treatment program, respondent has been taking medication, by prescription and under the direction of a psychiatrist, to control her mood disorder. Tr. pp. 14-15.
12. On or about May 31, 2002, respondent's urine screen tested positive for propoxyphene. Dept. Exh. 31.
13. With the exception of her positive screen on May 31, 2002, respondent has been compliant with her recovery. She has been keeping her appointments with her psychiatrist and therapist, and has been attending NA four to five times each week and Nurses for Nurses one to two times per week. Her therapist states that she has a good prognosis. Tr. pp. 15, 18-19, 21, 23, 38-41.

### *Conclusions of Law and Discussion*

In consideration of the above Findings of Fact, the following conclusions are rendered:

Valerie Minicucci held a valid registered nurse license in the State of Connecticut at all times referenced in the Statement of Charges.

The Notice of Hearing and Amended Statement of Charges provided sufficient legal notice as mandated by *Conn. Gen. Stat.* § 4-177(a) and (b), and § 4-182(c). The hearing was held in accordance with *Conn. Gen. Stat.* Chapters 54 and 368a as well as § 19a-9-1 through § 19a-9-29 of the Regulations of Connecticut State Agencies.

The Notice of Hearing, Amended Statement of Charges, and the hearing process provided respondent with the opportunity to demonstrate compliance with all lawful requirements for the retention of her license as required by *Conn. Gen. Stat.* § 4-182(c).

The Department bears the burden of proof by a preponderance of the evidence in this matter.

**PARAGRAPH 2** of the Amended Statement of Charges alleges that on or about June 27, 2001, respondent abused or utilized to excess Tylenol with Codeine.

Respondent admits this allegation.

**PARAGRAPH 3** of the Amended Statement of Charges alleges that respondent's abuse of Tylenol with Codeine does, and/or may, affect her practice as a registered nurse.

The Board finds that this allegation is proven by a preponderance of the evidence.

**PARAGRAPH 6** of the Amended Statement of Charges alleges that during January 2002, respondent was employed as a registered nurse at the Hospital of Saint Raphael, New Haven, Connecticut.

Respondent admits this allegation.

**PARAGRAPH 7** of the Amended Statement of Charges alleges that on June 7, 2000, the Board issued a Memorandum of Decision in Petition Number 990609-010-046 that placed respondent's registered nursing license on probation for a period of four years. Such disciplinary action was based upon proof of respondent's diversions of Demerol and/or morphine, and falsification of controlled substance records.

Respondent admits this allegation.

**PARAGRAPH 8** of the Amended Statement of Charges alleges that the 2000 Decision specifically provided that respondent submit to weekly random urine screens for the duration of probation and that all screen results be negative for the presence of drugs and alcohol.

Respondent admits this allegation.

**PARAGRAPH 9** of the Amended Statement of Charges alleges that on or about June 27, 2001, respondent ingested Tylenol with Codeine that had not been prescribed for her, and that on January 22, 2002, respondent tested positive for morphine.

Respondent admits that on June 27, 2001, she ingested Tylenol with Codeine that had not been prescribed for her. A preponderance of evidence establishes that respondent's urine screen for January 22, 2002, tested positive for the presence of morphine.

**PARAGRAPH 10** of the Amended Statement of Charges alleges that on May 31, 2002, respondent tested positive for propoxyphene.

While admitting that her urine screen for May 31, 2002, was positive for the presence of propoxyphene, respondent denies having ingested propoxyphene and claims that the test result is in error. A preponderance of evidence establishes that respondent's urine screen for May 31, 2002, tested positive for propoxyphene.

The General Statutes of Connecticut § 20-99 provides in relevant part:

(a) The Board of Examiners for Nursing shall have jurisdiction to hear all charges of conduct which fails to conform to the accepted standards of the nursing profession brought against persons licensed to practice nursing. After holding a hearing . . . said board, if it finds such person to be guilty, may revoke or suspend his or her license or take any of the actions set forth in section 19a-17 . . . (b) Conduct which fails to conform to the accepted standards of the nursing profession includes, but is not limited to, the following . . . (5) abuse or excessive use of drugs, including alcohol, narcotics or chemicals . . .

Based on its findings, the Board concludes that respondent's conduct as alleged in Paragraphs 2, 3, 6, 7, 8, 9, and 10 of the Amended Statement of Charges is proven by a preponderance of the evidence presented. The Board further concludes that said conduct constitutes grounds for disciplinary action

pursuant to *Conn. Gen. Stat.* §§20-99(b)(5) and 19a-17. The Board further concludes that said conduct violates the terms of probation as set forth in the Memorandum of Decision dated June 7, 2000, concerning respondent. Therefore, respondent's registered nurse license is subject to disciplinary action pursuant to *Conn. Gen. Stat.* § 19a-17.

*Order*

Pursuant to its authority under *Conn. Gen. Stat.* §19a-17 and §20-99, the Board of Examiners for Nursing hereby orders the following:

1. That respondent's registered nurse license number E60568 is suspended until April 15, 2003.
2. That the probation of respondent's registered nurse license number E60568 ordered pursuant to a Memorandum of Decision dated June 7, 2000 is extended until June 15, 2006.
3. If any of the following conditions of probation are not met, respondent's registered nurse license may be subject to disciplinary action pursuant to §19a-17 of the General Statutes of Connecticut.
  - A. During the period of probation following the suspension, the Board shall pre-approve respondent's employment and/or change of employment within the nursing profession.
  - B. Respondent shall provide a copy of this Memorandum of Decision to any and all employers if employed as a nurse during the probationary period following the period of suspension. The Board shall be notified in writing by any employer(s), within thirty (30) days of the commencement of employment, as to receipt of a copy of this Memorandum of Decision.
  - C. If employed as a nurse, respondent shall cause monthly employer reports to be submitted to the Board by her immediate supervisor during the entire probationary period.
  - D. The employer reports cited in Paragraph C above shall include documentation of respondent's ability to safely and competently practice nursing. Employer reports shall be submitted directly to the Board at the address cited in Paragraph Q below.
  - E. Should respondent's employment as a nurse be involuntarily terminated, respondent and/or her employer shall notify the Board, within seventy-two (72) hours, of such termination.
  - F. If respondent pursues further training in any subject area that is regulated by the Department, respondent shall provide a copy of this Memorandum of Decision to the educational institution or, if not an institution, to respondent's instructor. Such institution or instructor shall notify the Department in writing as to receipt of a copy of this

Memorandum of Decision within fifteen (15) days of receipt. Said notification shall be submitted directly to the Department at the address cited in Paragraph Q below.

- G. At her expense, respondent shall engage in therapy and counseling for chemical dependency with a licensed or certified therapist, approved by the Board and the Department, during the entire period of probation.
- H. At her expense, respondent shall also remain in treatment with a psychiatrist approved by the Department who shall submit a quarterly report stating that respondent is in compliance with her treatment and prescribed medication regimen for her bipolar disorder.
- I. Respondent shall provide a copy of this Memorandum of Decision to her therapist and her psychiatrist. The Board shall be notified in writing by her therapist and her psychiatrist, within thirty (30) days of the effective date of this Decision, as to receipt of a copy of this Memorandum of Decision.
- J. Respondent shall cause monthly evaluation reports to be submitted to the Board by her therapist during the entire probationary period.
- K. The therapist and psychiatrist reports cited in Paragraphs H and J above shall include documentation of dates of treatment, and an evaluation of respondent's progress, including alcohol and drug free status, and ability to safely and competently practice nursing. Therapist and psychiatrist reports shall be submitted directly to the Board at the address cited in Paragraph Q below.
- L.
  - (1) At her expense, respondent shall be responsible for submitting to observed random chain of custody urine screens for alcohol and drugs for the entire probationary period, at a testing facility approved by the Board, after consultation with the Department, as ordered by her therapist, and/or personal physician, and/or employer. Alcohol/drug screening may also be ordered by the Board to ensure compliance with this Order. Random alcohol/drug screens shall be legally defensible in that specimen donor and chain of custody can be identified throughout the screening process.
  - (2) Respondent shall be responsible for notifying the laboratory, her therapist, her psychiatrist, the Board, the Department, and her prescribing practitioner of any drug(s) she is taking. For any prescription of a controlled substance(s) for more than two consecutive weeks, the respondent shall cause the provider prescribing the controlled substance(s) to

submit quarterly reports to the Board and the Department until such time as the controlled substance(s) are no longer prescribed. The reports shall include the following:

1. A list of controlled substances prescribed by this provider for the respondent;
2. A list of controlled substance(s) prescribed by other providers;
3. An evaluation of the respondent's need for the controlled substance;
4. An assessment of the respondent's continued need for the controlled substance(s).

(3) There must be at least two such random alcohol/drug screens monthly during the entire probationary period.

(4) Random alcohol/drug screens shall be negative for the presence of alcohol and drugs. All positive results shall be confirmed by the Gas Chromatograph Mass Spectrometer (GC/MS) testing method. Chain of custody documentation must accompany all laboratory reports and/or the laboratory reports must indicate that chain of custody procedures have been followed.

(5) Random alcohol/drug screens must include testing for the following substances:

Amphetamines	Methadone
Barbiturates	Methaqualone
Benzodiazepines	Opiates (Metabolites)
Cannabinoids (THC Metabolites)	Phencyclidine (PCP)
Cocaine	Propoxyphene
Meperidine (Demerol)	Ethanol (alcohol)

(6) Laboratory reports of random alcohol and drug screens shall be submitted directly to the Board and the Department, at the address cited in Paragraph Q below, by respondent's therapist, personal physician or the testing laboratory.

M. Respondent shall not obtain for personal use and/or use alcohol or any drug that has not been prescribed for her, for a legitimate purpose, by a licensed health care practitioner authorized to prescribe medications. Respondent shall not abuse and/or excessively use any drugs that are prescribed for a legitimate medical purpose.

N. Respondent is hereby advised that the ingestion of poppy seeds may produce a positive drug screen result indicating the presence of opiates/morphine and that the ingestion of mouthwash may produce a positive result indicating the presence of alcohol. For that reason, any food substance containing poppy seeds, and mouthwash should be avoided during the probationary period. In the event that a drug/alcohol screen is positive for opiates/morphine and/or alcohol, the ingestion of poppy seeds and/or mouthwash shall not constitute a defense to such positive screen.

- O. The Board must be informed in writing prior to any change of employment.
- P. The Board must be informed in writing prior to any change of address.
- Q. All correspondence and reports are to be addressed to:

**Bonnie Pinkerton, RN, Nurse Consultant**  
**Department of Public Health**  
**Division of Health Systems Regulation**  
**Board of Examiners For Nursing**  
410 Capitol Avenue, MS #12HSR  
P. O. Box 340308  
Hartford CT 06134-0308

- 4. Any deviation from the terms of probation, without prior written approval by the Board, shall constitute a violation of probation which will be cause for an immediate hearing on charges of violating this Order. Any finding that respondent has violated this Order will subject respondent to sanctions under §19a-17(a) and (c) of the General Statutes of Connecticut, including but not limited to, the revocation of her license. Any extension of time or grace period for reporting granted by the Board shall not be a waiver or preclude the Board's right to take subsequent action. The Board shall not be required to grant future extensions of time or grace periods. Notice of revocation or other disciplinary action shall be sent to respondent's address of record (most current address reported to the Office of Practitioner Licensing and Certification of the Department of Public Health or the Board).
- 5. This Memorandum of Decision becomes effective on the date signed by the Board.

The Board of Examiners for Nursing hereby informs respondent, Valerie Minicucci, R.N., and the Department of Public Health of the State of Connecticut of this decision.

Dated at Newington, Connecticut this 19th day of March 2003.

BOARD OF EXAMINERS FOR NURSING

By 





# STATE OF CONNECTICUT

DEPARTMENT OF PUBLIC HEALTH

April 16, 2003

Valerie Minicucci, RN  
39 Grant Drive  
Northford, CT 06472

Re: Memorandum of Decision  
Petition No. 2002-0208-010-008  
License No. E60568  
[REDACTED]

Dear Ms. Minicucci:

Please accept this letter as notice that the period of your license suspension ended on April 15, 2003. Your license probation continues until June 15, 2006. Notice of such shall be sent to this Department's Licensure and Registration section.

Thank you for your ongoing cooperation in this process.

Very truly yours,

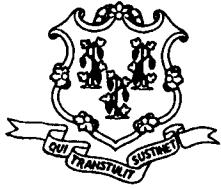
A handwritten signature in cursive script that reads "Bonnie Pinkerton".

Bonnie Pinkerton, RNC  
Division of Health Systems Regulation

cc: J. Filippone  
J. Wojick



Phone: (860) 509-7400  
Telephone Device for the Deaf (860) 509-7191  
410 Capitol Avenue - MS # 12HSR  
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# STATE OF CONNECTICUT

## DEPARTMENT OF PUBLIC HEALTH

June 19, 2006

Valerie Minicucci, RN  
63 West Pond Road  
North Branford, CT 06471

Re: Memorandum of Decision  
Petition No. 2002-0208-010-008  
License No. E60568

Dear Ms. Minicucci:

Please accept this letter as notice that you have satisfied the terms of your license probation, effective June 15, 2006.

Notice will be sent to the Department's Licensure and Registration section to remove all restrictions from your license related to the above-referenced Memorandum of Decision.

Please be certain to retain this letter as documented proof that you have completed your license probation.

Thank you for your cooperation during this process.

Very truly yours,

A handwritten signature in cursive script that reads "Bonnie Pinkerton".

Bonnie Pinkerton, RN, Nurse Consultant  
Practitioner Licensing and Investigations Section

cc: J. Filippone  
J. Wojick



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